THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2011 OF 2006

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Dated: 06-03-2006

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Between

Sri C. Ravindranath Reddy,

S/o. Late C. Ramakonda

Reddy, Occ: Owner of Reddy

Saw Mill & timber Depot,

R/o. K.C. Road, Nandyal,

Kurnool District.

...PETITIONER

AND

The Divisional Forest Officer,

Wild Life Division, Nandyal,

Kurnool District.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent in canceling his Saw Mill Licence by issuing impugned proceedings Rc.No.1349/2003/A2, dated 25.01.2006 without following due process of law as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner purchased a Saw Mill in 1997

by name Venkata Raghavendra Saw Mill at Deebaguntla Village, Gospadu Village, Kurnool District and the same was transferred in his favour by the respondent vide proceedings dated 06.03.1997. While so, the petitioner filed an application intending to shift the saw mill from Debaguntla Village to Nandyal town but the Divisional Forest Officer instructed him to apply for fresh licence for the saw mill to be installed at Nandyal and further directed him to give an undertaking to surrender the present saw mill licence soon after the licence at Nandyal was granted. Accordingly, the petitioner applied for new licence and gave an undertaking to cancel or surrender the existing licence soon after the new sawmill starts functioning. After conducting enquiry the respondent vide Rc.No.1349/2003/A3 dated 21.06.2003 granted licence to the petitioner to run the sawmill at Nandyal town. However, the respondent issued a show cause notice dated 10.01.2006 to the petitioner to show cause as to why the saw mill licence shall not be canceled within a week from the date of receipt of the said order, which was served on the petitioner on 24.01.2006. To the said notice received on 24.01.2006 the petitioner submitted an explanation on 30.01.2006 but even before the time stipulated in the show cause notice elapsed, the respondent passed the impugned order dated 25.01.2006, which has been served on the petitioner on 28.01.2006.

Learned counsel for the petitioner further submits that the cancellation of licence of the petitioner's saw mill without considering the explanation submitted by the petitioner pursuant to the show cause notice is illegal, arbitrary and against the principles of natural justice.

As the petitioner submitted an explanation on 30.01.2006, without going into the merits of the case as to whether grant of licence to the petitioner is illegal and contrary to the judgment of Supreme Court, the final order dated 25.01.2006 is set aside and the respondent is directed to consider and dispose the explanation/representation of the petitioner dated 30.01.2006 submitted pursuant to the show cause notice dated 10.01.2006 served on the petitioner on 24.01.2006 and pass fresh orders in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 6, 2006

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